

## REMARKS

The Office Action mailed January 24, 2008, has been received and reviewed. New claim 36 has been added. Claims 1-24 and 26-36 are currently pending in the application. Claims 1-21, 24 and 26-35 stand rejected. Applicant has amended claims 1, 20, 24, 26 and 35, and respectfully requests reconsideration of the application as amended herein. Support for Applicant's amendments is found in Applicant's as-filed specification on at least page 8, line 24-page 9, line 9 including Table 1 and Figures 3A and 3B. No new matter has been added.

### 35 U.S.C. § 102 Anticipation Rejections

#### Anticipation Rejection Based on U.S. Patent No. 6,590,873 to Li *et al.*

Claims 1, 2, 5-7, 10-12, 16-20, 24 and 26-35 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,590,873 to Li *et al.* ("Li"). Applicant respectfully traverses this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant submits that Li does not and cannot anticipate under 35 U.S.C. § 102 the presently claimed invention of amended independent claim 1 and claims 2, 5-7, 10-12, 16-19 and 27-34 depending therefrom, and amended independent claims 20, 24, 26 and 35, because Li does not describe, either expressly or inherently, the identical inventions in as complete detail as are contained in the claims.

Generally, Applicant's invention as presently claims recites first and second indications of signal quality of *first and second transmissions being assigned to adjacent first and second power control groups*. Specifically, Applicant's invention as claimed recites:

"a first indication in a first power control group" and "a second indication in a *respectively adjacent* second power control group", (Amended Independent Claims 1, 24, 26 and 35);

“first and second indications via a first and a *respectively adjacent* second power control groups”, (Amended Independent Claim 20).

In contrast, Li generally discloses each power control group includes the identical indication information. Specifically, Li in Figure 4 illustrates power control group 40 including both the supplemental power control (PC) bit and the fundamental power control (PC) bit. Consistently, Li, in another embodiment, continues to disclose in Figure 5 a power control group 50 including a general power control (PC) bit. Accordingly, Li discloses that **each** power control group is a repeat of itself. In fact, not only does Li not disclose adjacent power control groups with different indicators, Li discloses that the power control groups **repeat** throughout the frame. (Li, col. 3, lines 13-21).

Therefore, since Li does not disclose “a first indication in a first power control group” and “a second indication in a respectively adjacent second power control group” (Amended Independent Claims 1, 24, 26 and 35) or “first and second indications via a first and a respectively adjacent second power control groups” (Amended Independent Claim 20), in as complete detail as claimed by Applicant, Li **cannot** anticipate under 35 U.S.C. §102 Applicant’s invention as claimed in amended independent claim 1 and claims 2, 5-7, 10-12, 16-19 and 27-34 depending therefrom, and amended independent claims 20, 24, 26 and 35.

Accordingly, such claims are allowable over the cited prior art and Applicant respectfully requests that such rejections be withdrawn.

### **35 U.S.C. § 103 Obviousness Rejections**

**Claim 3** was rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of U.S. Patent No. 6,233,439 to Jalali (“Jalali”).

The nonobviousness of amended independent claim 1 precludes a rejection of claim 3 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), see also MPEP § 2143.03. Therefore, the Applicant requests that the Examiner withdraw the rejection to amended independent claim 1 and claim 3 which depends therefrom.

**Claim 4** was rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of Jalali and in further view of U.S. Patent No. 6,259,927 to Butovitsch *et al.* (“Butowitsch”).

The nonobviousness of amended independent claim 1 precludes a rejection of claim 4 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicant requests that the Examiner withdraw the rejection to amended independent claim 1 and claim 4 which depends therefrom.

**Claim 8** was rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of U.S. Patent No. 6,148,208 to Love (“Love”).

The nonobviousness of amended independent claim 1 precludes a rejection of claim 8 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicant requests that the Examiner withdraw the rejection to amended independent claim 1 and claim 8 which depends therefrom.

**Claim 9** was rejected under 35 U.S.C. §103(a) as being unpatentable over Li. Applicant respectfully traverses this rejection, as hereinafter set forth.

The nonobviousness of amended independent claim 1 precludes a rejection of claim 9 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicant requests that the Examiner withdraw the rejection to amended independent claim 1 and claim 9 which depends therefrom.

**Claims 13 and 15** were rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of U.S. Patent No. 6,539,008 to Ahn *et al.* (“Ahn”).

The nonobviousness of amended independent claim 1 precludes a rejection of claims 13 and 15 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir.

1988), *see also* MPEP § 2143.03. Therefore, the Applicant requests that the Examiner withdraw the rejection to amended independent claim 1 and claims 13 and 15 which depend therefrom.

**Claim 14** was rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of Ahn and further in view of U.S. Patent No. 6,498,785 to Derryberry *et al.* (“Derryberry”).

The nonobviousness of amended independent claim 1 precludes a rejection of claim 14 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicant requests that the Examiner withdraw the rejection to amended independent claim 1 and claim 14 which depends therefrom.

**Claim 21** was rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of U.S. Patent No. 6,337,989 to Agin (“Agin”).

The nonobviousness of amended independent claim 20 precludes a rejection of claim 21 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicant requests that the Examiner withdraw the rejection to amended independent claim 20 and claim 21 which depends therefrom.

### **Objections to Claims 22 and 23/Allowable Subject Matter**

Claims 22 and 23 stand objected to as being dependent upon rejected base claims, but are indicated to contain allowable subject matter and would be allowable if placed in appropriate independent form. Applicant acknowledges this indication with appreciation, but respectfully asserts that the claims in their present form, along with all other claims presently under consideration, are in condition for allowance.

**CONCLUSION**

Claims 1-24 and 26-36 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, the Examiner is respectfully invited to contact Applicant's undersigned agent.

Respectfully submitted,

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